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IS 6-1381a

9 July 1956

MEMORANDUM FOR: Chief, [REDACTED]

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SUBJECT: Employment of Alien Personnel by [REDACTED]

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REFERENCE: Memorandum, Chief, [REDACTED], to OGC, dated 26 June 1956,
 Same Subject

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1. The employment documents you propose seem fully adequate to accomplish the purpose. We have suggested a redraft of the travel agreement for two reasons: in order to avoid fortuitous changes in phrasing which might at some later date be construed to affect the meaning, and in order to include a reference to leave travel.

2. The method you propose for bringing your career "foreign national" personnel under the U. S. Civil Service Retirement System is perfectly legal and proper. I have suggested to [REDACTED] in conversation that you may wish to consider the following. The Foreign Employees Personnel Act, although it did not get through the present Congress due to pressure of other business and delay of the executive agencies in submitting their comments to the Bureau of the Budget, will very possibly go through in the next session of Congress. Among other provisions, it contemplates retirement systems for foreign employees separate from the U. S. Civil Service Retirement System. If you put your people under Civil Service Retirement now you may find it impossible to change back to another retirement system later. E.g., page "R 5-10 to R 5-14" of the Federal Personnel Manual:

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"An employee with a retirement status who is transferred or appointed without a break in continuity of service to a position excluded from the Act by statute does not lose his retirement status unless he automatically becomes a member of another federal retirement system."

You may wish to consider this factor before reaching a policy decision on the question of retirement.

3. If we can be of any further assistance either on this matter or in relation to other revisions we understand you contemplate in your regulation, we would be most happy to help.

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Assistant General Counsel

cc: Chief, Fiscal Division
 Director of Personnel

Attachment